

REMARKS

Status Summary

Claims 5, 9, 12, 14-16, 18-22, 27, 31, 34, and 36-38 are pending in the present application. No claims have been canceled and no new claims have been added. Therefore, upon entry of this amendment, claims 5, 9, 12, 14-16, 18-22, 31, 34, and 36-38 remain pending.

Double Patenting

Claims 5, 9, 12, 14-16, 18-22, 27, 31, 34, and 36-38 are rejected on the basis of non-statutory obviousness-type double patenting as conflicting with claims 1-50 of application no. 10/645,778. Applicants assume that because the official action indicates that it is clarifying that the previous double patenting rejection was a non-statutory double patenting rejection, that this is the reason for including the rejection in this official action. Applicants filed a terminal disclaimer on October 2, 2008 to overcome the rejection. Accordingly, it is respectfully submitted that the rejection should be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 5, 9, 12, 14-16, 18-22, 27, 31, 34, and 36-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2006/0212385 to Bent et al., (hereinafter, "Bent") and U.S. Patent Application Publication No. 2003/0023529 to Jacobsen, (hereinafter, "Jacobsen") in view of

Matching Small Banks with Large Muni Deposits, (hereinafter, "Finistar Publication").

This rejection is respectfully traversed.

On pages 5 and 6, the official action indicates that Bent and Jacobsen fail to disclose elements (b), (d), and (g) set forth in the independent claims, but that the Finistar Publication (referred to as the "NPL reference") discloses these features. It is respectfully submitted that the Finistar Publication is not prior art to the claims. The Finistar Publication is dated October 4, 2005. The subject application has an international filing date of August 23, 2004 and also claims the priority benefit of U.S. patent application no. 10/645,778 filed August 21, 2003. Relying on either of these dates, applicants submit that the Finistar Publication is not prior art because it is dated October 4, 2005, which is after both of these dates. Accordingly, because the Finistar Publication is not prior art, it is respectfully submitted that the rejection of the claims as unpatentable over Bent and Jacobsen in view of the Finistar Publication should be withdrawn.

Further, even assuming for the sake of argument that the Finistar Publication could be considered prior art, the activities referred to in the Finistar Publication are applicants' own activities, as Finistar, Inc., is the assignee of the subject application. Accordingly, to the extent that the Finistar Publication could qualify as prior art under 35 U.S.C. § 102(f)/103, it is respectfully submitted that the Finistar Publication does not qualify as prior art because the claimed subject matter and the subject matter of the Finistar Publication were commonly owned at the time the invention was made. Accordingly, for this additional reason, it is respectfully submitted that the rejection of

the claims as unpatentable over Bent and Jacobsen in view of the Finistar Publication should be withdrawn.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT


Although no fee is believed to be due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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